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11 **UNITED STATES DISTRICT COURT**  
12 **DISTRICT OF NEVADA**

13 RIGHTHAVEN LLC, a Nevada limited-liability  
14 company,

15 Plaintiff,

16 v.

17 DEMOCRATIC UNDERGROUND, LLC, a District  
18 of Columbia limited-liability company; and DAVID  
ALLEN, an individual,

19 Defendants.  
20

21 DEMOCRATIC UNDERGROUND, LLC, a District  
22 of Columbia limited-liability company,

23 Counterclaimant,

24 v.

25 RIGHTHAVEN LLC, a Nevada limited-liability  
company; and STEPHENS MEDIA LLC, a Nevada  
26 limited-liability company,

27 Counterdefendants.  
28

Case No.: 2:10-cv-01356-RLH-CWF

**JOINT STIPULATION AND  
ORDER TO REVISE THE  
BRIEFING SCHEDULE FOR  
RIGHTHAVEN LLC'S  
APPLICATION TO INTERVENE AS  
OF RIGHT PURSUANT TO  
FEDERAL RULE OF CIVIL  
PROCEDURE 24(A)(2) AND  
STEPHENS MEDIA'S MOTION  
FOR RECONSIDERATION**

**(FIRST REQUEST)**

1 IT IS HEREBY STIPULATED BETWEEN Counterclaimant Democratic Underground,  
2 LLC (“Democratic Underground”), Counterclaim defendant Stephens Media LLC (“Stephens  
3 Media”) and Righthaven LLC (“Righthaven”), through their attorneys of record, as follows:

4 1. On June 14, 2011, the Court dismissed Righthaven’s complaint for lack of  
5 standing and denied Stephens Media’s motion to dismiss Democratic Underground’s  
6 counterclaim (Dkt. 116).

7 2. On June 23, 2011, Righthaven moved the Court to intervene in this action as of  
8 right pursuant Federal Rule of Civil Procedure 24(a)(2) (“Application”). (Dkt. 120.) In its  
9 Application, Righthaven addressed the asserted basis for its standing to sue for copyright  
10 infringement under the Clarification and Amendment to Strategic License Agreement  
11 (“Amendment”).

12 3. On June 28, 2011, Stephens Media moved for reconsideration of the Court’s  
13 decision not to dismiss Democratic Underground’s counterclaim. (Dkt. 126.) Stephens Media  
14 based its motion on its asserted lack of ownership of the copyright at issue under the  
15 Amendment.

16 4. On July 11, 2011, Righthaven filed a supplemental memorandum in support of its  
17 application to intervene, apprising the Court of the Amended and Restated Strategic Alliance  
18 Agreement (“Restated and Amended SAA”), which was executed on July 7, 2011. Righthaven  
19 and Stephens Media assert that they executed the Restated and Amended SAA in order to  
20 address the concerns raised in *Righthaven LLC v. Hoehn*, where the Court in that case found that  
21 Righthaven lacked standing to sue under the Amendment. Doc. # 28, Case. No. 2:11-CV-00050-  
22 PMP-RJJ (D. Nev.) (Pro, J.)

23 5. Both Democratic Underground and Stephens Media would like the opportunity to  
24 address Righthaven’s standing under the Restated and Amended SAA. Therefore, the parties  
25 agree to, and respectfully request, a revised briefing schedule as follows:

- 26 • Stephens Media shall have *until July 15, 2011* to supplement its motion for  
27 reconsideration.

- Democratic Underground shall have *until July 26, 2011* to file a single memorandum in opposition to Righthaven’s application to intervene and Stephens Media’s motion for reconsideration.
- Stephens Media and Righthaven shall have *until August 2, 2011* to submit a reply to Democratic Underground’s opposition.

This stipulation is sought in good faith and not for purposes of delay.

Dated this 13th day of July, 2011.

FENWICK & WEST

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**IT IS SO ORDERED:**

\_\_\_\_\_  
**UNITED STATES DISTRICT COURT JUDGE**

**DATED:** \_\_\_\_\_